

स्पष्टीकरण : इस नियम में पद "परामर्शदाताओं" में नियम 8 के उप-नियम (5) के अधीन न्यायालय से सहयुक्त व्यक्ति सम्मिलित होंगे।"

[सं. एफ. 26(1) न्याय/2013]
राज्यपाल के आदेश से,
मनोज कुमार व्यास,
प्रमुख शासन सचिव।

**Law & Legal Affairs Department
NOTIFICATION**

Jaipur, June 27, 2016

G.S.R.28 .-In exercise of powers conferred by section 23 of the Family Courts Act, 1984 (Central Act No. 66 of 1984), the State Government in consultation with the High Court of Judicature for Rajasthan hereby makes the following rules further to amend the Family Courts (Rajasthan) Rules, 1991, namely:-

1. Short title and commencement.- (1) These rules may be called the Family Courts (Rajasthan) (Amendment) Rules, 2016.

(2) They shall come into force with immediate effect.

2. Substitution of rule 8.- The existing rule 8 of the Family Courts (Rajasthan) Rules, 1991, shall be substituted by the following, namely:-

"8. Appointment of counsellors.- (1) The High Court shall, by public notice published in any local daily news paper having wide circulation in the area, invite applications for each area from persons engaged or working in the field of social welfare and welfare of the family for being associated with or to assist the Family Court of such area.

(2) A person shall not be qualified for appointment as a counsellor unless he possesses the following qualifications, namely:-

- (i) Degree in social sciences such as social welfare, sociology, clinical psychiatry, psychology/philosophy, preferably with a Degree in laws; and
- (ii) At least five years experience in field work/research or of teaching in Government department or in a College/university or a comparable academic institute, with special reference to problems of women and children.

OR

Five years experience in the examination and/or application of Central/State Laws relating to marriage, divorce, maintenance, guardianship and adoption and other family disputes:

Provided that the High Court may, in exceptional circumstances, relax the minimum academic qualifications:

Provided further that preference may be given to women having the requisite qualifications:

Provided also that preference shall be given to a candidate who has been an officer of District Judge cadre or has experience of counselling in family matters.

- (3) The applications received for appointment as counsellors shall be examined and if the applicants are, on such enquiry as deemed proper, found to be fit for being associated as counsellors, such applicants shall, in consultation with the Judge of the Family Court, be authorized for a period of two years by the State Government by notification in the official Gazette, to be associated with the Family Court in that area.

(4) The Court may appoint a Counsellor from the persons authorized under sub-rule (3).

(5) The Court may secure the services of any other person whose association with the Court appears necessary so as to enable the court to exercise its jurisdiction more effectively in accordance with the purpose of the Act."

3. Addition of new rule 9 and 10.- After the rule 8 so substituted the following new rule 9 and 10 shall be added, namely:-

"9. Number of counsellor.- Each Family Court shall have as many counsellors as may be determined by the High Court.

10. Salary, Allowances & other terms and conditions of counsellors.- (1) The counsellors shall be entitled to receive the fee and other allowances at such rates as may, from time to time, be determined by the State Government in consultation with the High Court.

(2) The counsellor shall not be paid any fee or expenses by any party to the case.

(3) The Court may assign any work to a Counsellor for assisting it in discharging its functions under the Act.

(4) The Counsellor or the person associated with the Court under sub-rule (5) of rule 8 shall not act or plead for a party to a case or proceeding but shall generally assist the Court in reaching peaceful and amicable settlement of the dispute.

(5) The Counsellor, entrusted with any petition, shall,-

(i) attend the Court as and when required by the Judge of the Family Court;

(ii) aid and advise the parties regarding settlement of the subject-matter of dispute or any other part thereof;

(iii) help the parties in reconciliation;

- (iv) submit report or interim report, as the case may be required by the Court;
- (v) perform such other functions as may be assigned to him by the Family Court, from time to time.

(6) The Counsellor in performing his function shall be guided by such general or special directions as may be given by the Court, from time to time.

Explanation: The term "Counsellors" in this rule shall include the persons associated with the court under sub-rule (5) of rule 8."

[No. F. 26(1) Nyay/2013]
By Order of the Governor,
Manoj Kumar Vyas,
Principal Secretary to the Government.

A.O. S.C.

23-11-16

Reg. Adm.

(23/11/16)

राजस्थान सरकार
विधि एवं विधिक कार्य विभाग

क्रमांक: प. 2(8)न्याय/87

जयपुर, दिनांक 23-11-16

रजिस्ट्रार जनरल,
राजस्थान उच्च न्यायालय,
जोधपुर।

विषय:--Determination of fee-Cum-allowances to the Counsellors
appointed in Family Courts.

सन्दर्भ:--आपका पत्र क्रमांक Gen/XV/(a)02/2016/5828 दिनांक
29.10.2016

महोदय,

उपरोक्त विषयान्तर्गत आपके संदर्भित पत्र के क्रम में पत्रावली वित्त
विभाग को भिजवाये जाने पर वित्त विभाग ने निम्नानुसार स्वीकृति प्रदान की
है:--

“पारिवारिक न्यायालयों में नियुक्त किये जाने वाले काउन्सलर्स
(Counsellors) हेतु फीस व भत्तों के रूप में 1000/- प्रतिदिन पारिवारिक
न्यायालयों में उनकी उपस्थिति की आवश्यकता होने पर दिये जाने की
सहमति प्रदान की जाती है।”

उक्त स्वीकृति वित्त विभाग की आई.डी.संख्या 101604220 दिनांक
23.11.2016 के द्वारा प्राप्त सहमति के अनुसरण में जारी की जाती है।

भवदीय,

23/11/16

प्रमुख शासन सचिव

राजस्थान उच्च न्यायालय, जोधपुर
अधीनस्थ न्यायालय (स्थापना शाखा)
क्रमांक 24/11/16
दिनांक 24/11/16

12/06/16